recitations and new claims at, *inter alia*, pages 16, lines 31-34; page 24, line 26 to page 29, line 11; page 29, lines 18-22. The amendments add no new matter. Their entry is respectfully requested.

ELECTION WITH TRAVERSAL

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

I. Claims 1-38, drawn to methods of producing a lysosomal enzyme in plants, DNA constructs and vectors, and transformed plants and parts and progeny thereof.

II. Claims 39-46, drawn to lysosomal enzymes.

The Examiner contends that the two groups of claims are distinct inventions because the lysosomal enzymes of Group II are the same as what would be obtained by other processes.

Applicants respectfully disagree.

The claimed lysosomal enzymes are not from any source, but are produced from transgenic plants containing recombinant constructs encoding lysosomal enzymes. Plants glycosylate proteins differently than other organisms. The specification points out such differences as between plants and animals (see specification at pages 31-32). The lysosomal enzymes of the invention are proteins having plant glycosylation patterns. Therefore, the claimed products cannot be made by another materially different process (e.g., isolation from animal tissues, recombinant expression in other organisms, or chemical synthesis). Accordingly, Groups I and II claims do not form distinct inventions, and therefore should be examined together.

Even assuming *arguendo* that Groups I and II represent distinct inventions, Applicants submit that to search the subject matter of the two Groups together would not be a serious burden on the Examiner.

The M.P.E.P. § 803 states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, further in view of M.P.E.P. § 803, all of claims 1-46 should be searched and examined in the subject application. Accordingly, Applicants respectfully request that the Restriction Requirement Under 35 U.S.C. § 121 be withdrawn and the instant claims be examined in one application.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

In order to be fully responsive, Applicants hereby provisionally elect the invention of Group II, Claims 39-46, drawn to a lysosomal enzyme produced by a transgenic plant, with traversal.

Respectfully submitted,

Date: November 14, 1997

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Enclosures